Turner P. Smith (TS 8052) Curtis, Mallet-Prevost, Colt & Mosle LLP 101 Park Avenue New York, New York 10178 (212) 696-6000

Attorneys for Plaintiffs Atateks Foreign Trade LTD, Jordan And Atateks Dis Ticaret A.S.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ATATEKS FOREIGN TRADE LTD, JORDAN AND ATATEKS DIS TICARET A.S.,

Plaintiffs,

No. 07 Civ. 6665 (HB)

-against-

ANSWER TO **COUNTERCLAIM** 

PRIVATE LABEL SOURCING, LLC AND SECOND SKIN, LLC,

Defendants.

As and for its answer to the counterclaim asserted by defendant Private Label Sourcing LLC ("Private Label") in this action, plaintiffs/counterclaim defendants Atateks Foreign Trade LTD, Jordan and Atateks Dis Ticaret A.S. (collectively "Atateks"), by and

1. Atateks admits the allegations of paragraph 22 of the Answer and Counterclaim.

through their attorneys Curtis, Mallet-Prevost, Colt & Mosle LLP, allege as follows:

- 2. Atateks admits the allegations of paragraph 23 of the Answer and Counterclaim.
- 3. Atateks admits the allegations of paragraph 24 of the Answer and Counterclaim.

- 4. Atateks denies the allegations of paragraph 25 of the Answer and Counterclaim.
- 5. Atateks denies the allegations of paragraph 26 of the Answer and Counterclaim.

## Affirmative Defenses

- 6. Defendant/counterclaim plaintiff has failed to mitigate the damages claimed in its counterclaim.
- 7. The claims of the counterclaim are barred by the doctrines of estoppel, waiver and accord and satisfaction.

WHEREFORE, plaintiffs demand judgment in their favor on Private Label's counterclaim and such other and further relief as the Court may deem just and proper.

New York, New York October 4, 2007

> CURTIS, MALLET-PREVOST, COLT & MOSLE LLP

By:

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